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Approved For Release 2008/11/06 : CIA-RDP90B01013R000100040009-4

ROUTING AND RECORD SHEET

9-0277/1-72

SUBJECT: (Optional) Implementation of NSDD 10, "Protection of Classified National Security Council and Intelligence Information"

FROM:

EXTENSION:

NO.

Chairman, SECOM

DATE:

28 January 1982

TO: (Officer's designation, room number, and building):

DATE:

OFFICER'S INITIALS:

RECEIVED:

FORWARDED:

1 DDCI

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3 DCI

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COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

This is the implementing draft I was tasked to prepare.

Comments have been included. Wait Elder feels the NFIC is the appropriate forum for discussion in order to include OSD policy. A copy of this package has been passed to Bob Gates but he has not yet had a chance to react. Request your approval of this approach and any comments you might have.

FORM 610 USE PREVIOUS EDITIONS
I-79

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LH7
NSDD/9

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82-6977-1

29 JAN 1982

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director of Central Intelligence

25X1 FROM: [redacted]

Chairman, DCI Security Committee

25X1 SUBJECT: Implementation of NSDD 19, "Protection of Classified National Security Council and Intelligence Information" [redacted]

25X1 1. Action Requested: Your consideration of proposals to implement NSDD 19 for the Intelligence Community, and your guidance on how to proceed. [redacted]

25X1 2. Background: The President tasked Mr. Clark to prepare implementation procedures for NSDD 19. Mr. Clark has directed you to develop procedures for protection of sensitive classified intelligence information similar to those prescribed for NSC information. They are to be cleared within the Community and submitted to the NSC in draft no later than 15 February 1982, with any dissents noted. [redacted]

25X1 3. Discussion: Preliminary analysis within CIA suggests divisions that might surface in the Community. One view is that we should use the NSDD as a lever to impose strict controls over all intelligence information - this seems incompatible with timely handling of high volumes of data. Another view is that only cosmetic adjustments need to be made. A middle course would be to use this opportunity to tighten control over truly sensitive material in a manner that recognizes resource limitations and timeliness imperatives. [redacted] ✓

25X1 4. Staff Position: Our proposals on specific aspects of this are:

25X1 a. Definition of "sensitive classified intelligence information" you are to address -- We propose that this be defined as Sensitive Compartmented Information (SCI), Operations Directorate Blue Border series material, and, within Defense, special access program information related to intelligence [redacted]. These types of data are tightly controlled now because of their sensitivity. ✓

25X1 [redacted]

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b. Strict access controls and polygraph use in case of leaks -- We propose only slight modifications to existing procedures. Access to SCI, etc., is only granted now based on must-know considerations. A restatement of that seems to be all that is needed. Personal responsibility associated with access is clearcut under the current policy requiring signature of nondisclosure agreements as a condition of access. However, current policy encourages but does not mandate having those agreements include specific prepublication review requirements. The absence of such may blur a signatory's sense of responsibility. The NSDDs requirements that those granted access to strictly controlled material be subject to use of "all legal methods" (read polygraph) in investigations of leaks is a Presidential mandate. We propose that you specifically tell the Community that this requirement applies to all who now have or are subsequently granted access to SCI, etc. We further propose that Community nondisclosure agreements be modified to include this requirement.

c. Tight control over contacts with the news media -- We propose that you state to the Community that you see no reason for working-level intelligence officers and little reason for senior ones to be talking to the press. Further, that you state that where some contact is deemed absolutely necessary in a Community department or agency, contact may be made only with the advance approval of the responsible Senior Intelligence official (SIO) (defined to be a member of NFIB or NFIC) in accordance with NSDD 19 provisions, with a copy of the required memorandum of what transpired provided to you. *Very little contact with the news media*

d. Limits on dissemination of sensitive material -- We propose that you task SIOs to conduct critical reviews of their dissemination practices and procedures for SCI, etc., aimed at eliminating duplicative and unnecessary dissemination and limiting the balance to cases of clear "must know." Further, that you require SIOs to report to you in writing that they have done this and that they personally vouch for the necessity of residual dissemination.

e. Unauthorized disclosures investigations -- We propose that you restate current procedures in somewhat more emphatic form. Specifically, that you require SIOs to conduct internal investigations when they determine that a leak occurred in their agency; that they report all such determinations to you; and that you tell the SIOs you will refer significant leaks to the Justice Department, asking for FBI investigation and/or legal action. Further, that you inform SIOs that the FBI may have access to the results of internal investigations and has been authorized to conduct polygraph examinations incident to leak investigations for those agencies which lack a polygraph capability.

f. Tactics -- We propose that you and the DDCI consider:

(1) Discussion by the DCI at an early NFIC meeting of NSDD 19 requirements and your proposed implementation of it. Specific dissents should be requested in writing in time to be attached to the material you are to send the NSC by 15 February.

(2) Emphasizing to the Community that these changes are driven by Presidential decision and are not subject to debate within the NFIC structure.

(3) Having the DDCI address an early meeting of the Security Committee (after the NFIC one) to provide implementation guidance for those who will have to work out procedures for the Community agencies. [redacted]

25X1

5. Recommendation: Your review of these proposals as reflected in attached draft material for your use in communicating requirements to SI0s and the Community. Your guidance on how to proceed. [redacted]

25X1



Attachment:
Proposals

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82 - 4277/2

MEMORANDUM FOR NATIONAL FOREIGN INTELLIGENCE COUNCIL

SUBJECT: Implementation of NSDD 19 on Protection of NSC and Intelligence Information

1. The President has signed NSDD 19 on protection of sensitive information (copy attached). Mr. Clark, the Assistant to the President for National Security Affairs has been directed to establish the detailed procedures to implement policies. Mr. Clark has directed me to develop similar procedures for protection of sensitive classified intelligence information and submit draft procedures by February 15, 1982.
2. My implementing procedures are attached. We will discuss this issue at an early NFIC meeting.

William J. Casey

Attachment:
Proposed Procedures
NSDD 19

DERIVED FROM BY Signer
EX-REF ID: A6142983 29 Jan 1988
BLW:JRC

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DCI PROCEDURES REGARDING PROTECTION OF SENSITIVE INTELLIGENCE INFORMATION

The following is issued in response to the instructions of the Assistant to the President for National Security Affairs to prepare procedures for protection of sensitive classified intelligence similar to those established in accordance with NSDD 19 for protection of NSC information.

Sensitive Classified Intelligence

Sensitive Classified Intelligence includes (1) all information bearing SCI special Community controls indicating restricted handling within present and future Community intelligence collection programs and their end products for which Community systems of compartmentation have been or will be formally established, (2) all DDO/CIA's Blue Border series material, (3) those Special Access Programs related to intelligence established by department heads in accordance with provisions of E.O. 12065.

Contacts with the News Media

There should be no reason for intelligence officials to discuss classified intelligence with the news media. In those rare cases where it is deemed essential for an intelligence officer to meet with the press, approval will be required in advance by a Senior Intelligence Official (a member of NFIB or NFIC). No approval will be given to discuss classified intelligence matters. Subsequent to the approved interview an administrative memorandum will be forwarded to the SIO. If in his discretion it is appropriate, a copy will be furnished to the DCI.

Access and Investigation

Agencies that handle sensitive intelligence information will keep the number of individuals with access to such information to the absolute minimum. While the restriction on billets has been removed, it is incumbent on SIOs to ensure that inertia and out-dated justifications do not contribute to automatic access by individuals who have no need-to-know.

Agencies will strictly control document dissemination in both hard copy and by electrical means. Dissemination practices are to be critically reviewed by SIOs toward a goal of eliminating repetition and redundancy. A strict application and rejustification of need-to-know is required. SIOs are directed to personally review current dissemination practices and procedures and report to the DCI by 1 April 1982 on actions taken to reduce distribution.

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Cover sheets will continue to be used on sensitive intelligence information.

The signature of an individual on a nondisclosure of intelligence agreement is considered sufficient to make that individual subject to investigation by all legal means including, the polygraph, in the event of unauthorized disclosure. Nondisclosure agreements are to be revised to include explicitly the provisions of NSDD 19 for investigation by all legal means, including polygraph.

SIOs are directed to conduct timely internal investigations when they determine that an unauthorized disclosure has occurred of material in their custody. All such determinations of unauthorized disclosure shall be reported to the DCI. The DCI will refer significant unauthorized disclosures to the Justice Department requesting investigation. In the event of an investigation directed by Justice Department and conducted by the FBI, the FBI is to be provided access to the full scope of internal investigation results. The FBI will have the authority to conduct polygraph examinations incident to investigations for those agencies which lack a polygraph capability.

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